

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| IN RE: DIET DRUGS (Phentermine/ Fenfluramine/Dexfenfluramine) PRODUCTS LIABILITY LITIGATION | : | |
| | : | MDL DOCKET NO. 1203 |
| | : | |
| THIS DOCUMENT RELATES TO: | : | |
| ----- | : | |
| MARTINEZ, et al. | : | CIVIL ACTION NO. 02-20135 |
| v. | : | |
| WYETH, et al. | : | |
| | : | |
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| MELDER, et al. | : | |
| v. | : | CIVIL ACTION NO. 02-20135 |
| WYETH, et al. | : | |
| | : | |

PRETRIAL ORDER NO.

AND NOW, this day of August, 2004, it is hereby
ORDERED that:

(1) Report and Recommendation No. 13 of Special
Discovery Master (as to Wyeth's Motion to Strike in the Martinez
and Melder Matters) is hereby AFFIRMED;

(2) Wyeth's motion to strike in the Martinez and Melder Matters (Doc. No. 204553) is DENIED;

(3) Plaintiffs' counsel will be sanctioned for failure to comply with Rule 16(f) of the Federal Rules of Civil Procedure in an amount to be determined by the court after reviewing the submission by Wyeth of an affidavit detailing the hourly billing rates and time spent in an attempt to obtain Rule 26 compliant expert reports for these plaintiffs, including time spent

preparing the motion to strike plaintiffs Marilyn Melder's and Peggy Martinez's Expert Witnesses;

(4) Wyeth shall submit an affidavit detailing the hourly billing rates and time spent in an attempt to obtain Rule 26 compliant expert reports for these plaintiffs, including time spent preparing the motion to strike plaintiffs Marilyn Melder's and Peggy Martinez's Expert Witnesses; and

(5) Plaintiff Martinez shall supplement her expert report in compliance with Federal Rule of Civil Procedure 26 within thirty (30) days of the date of this Order.

BY THE COURT:

J.